APPENDIX

General Information

State of Michigan,
County of Wayne, City of Detroit, ss:

The Recorder's Court of the City of Detroit

In the Name of the People of the State of Michigan, Gerald K. O'Brien, Prosecuting Attorney in and for the said County of Wayne, who prosecutes for and on behalf of the People of said State in said Court, comes now here in said Court in the March term thereof, A.D. 1957, and gives the said Court to understand and be informed that Kenneth Pete Steckenrider late of the said City of Detroit, in said county, heretofore, to-wit, on or about the 7th day of January, A. D. 1957, at the said City of Detroit, in the County aforesaid nickel anodes of the value of Five Hundred Dollars ($500.00) of the personal property, goods and chattels of J. C. Robinson Plating Co., a corporation organized and existing under the laws of the State of Michigan, then lately before feloniously stolen, taken and carried away, or embezzled and/or converted feloniously did buy, receive or aid in the concealment thereof, he, the said Kenneth Pete Steckenrider, then and there well knowing the said goods and chattels to have been feloniously stolen, taken and carried away, or embezzled and/or converted; contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the People of the State of Michigan.

Note—See Sec. 750.535 Act 40, P.A. 1952.

Gerald K. O'Brien,
Prosecuting Attorney.

Drafted by John J. Rusinack,
Assistant Prosecuting Attorney.

The Recorder's Court of the City of Detroit

No. A-88741

THE PEOPLE OF THE STATE OF MICHIGAN

vs.

KENNETH PETE STECKENRIDER

Information for RECEIVING STOLEN PROPERTY

WITNESSES: John McGruddy, Mel Wallace, Philip Guluso, Gerald Vancil, Amos Munn, Lester Kull, Ernest Beightol, Elmer Cwengros, Norman Nash, Thelma Lilley, Ellanora Golston, Bernard Walker, Ray Johnson, Betty Jorgenson.

Excerpts from Transcript of Record:

Page 154—"Mr. KOTELLY: The controlling question is whether or not the defendant received the property with the knowledge, of course, same was stolen. The question as to the ownership and as to the time is not the essence of the issue pertaining to the charge, and I will ask the Court for permission, I am going to request that the People's Information be amended to read the 15th day of January, 1957, and also to amend as to the ownership of this particular property to read the Northeast Plating Company.

The COURT: And/or the J. C. Robinson Company?

Mr. KOTELLY: Yes.

The COURT: Yes.

Mr. KOTELLY: In order to comply with the proofs.

Mr. COMB: I want to go on the record as objecting to such a motion, if the Court please, because it doesn't conform to the testimony. Further, this is set forth and is an entirely new offense of which we were not advised at the time we received the Information. It is denying this defendant a fair and impartial trial and a violation of his Constitutional rights, and doesn't properly advise him of the nature of the charge against him."

Page 157—"The COURT: You wanted the Information amended for the date to read on or about the 15th and to amend it to add and say J. C. Robinson Plating Company and/or the Northeastern Plating Company?

Mr. KOTELLY: A Michigan corporation.

The COURT: A Michigan corporation. I think you objected?

Mr. COMB: Yes, I still object.

The COURT: It isn't a new charge, it is merely getting the one who owns it and the day or date to conform with the proofs. It may be amended to read on or about the 15th day of January, 1957, and the ownership of the J. C. Robinson Plating Company and/or the Northeast Plating Company, a Michigan corporation.

All right."

Excerpts from Defendant's Motion for New Trial.

Now comes Kenneth Pete Steckenrider, Defendant in the above entitled cause and moves the Court to grant a new trial for the following reasons:

* * * * *

6. That allowing the Information to be amended at the close of the People's Testimony was in violation of defendant's rights to be informed of the nature of the charges against him.

7. That the Court permitted the People to amend the Information so as to form a new and entirely different charge as that contained in the Information.

Excerpts from Application for Leave to Appeal.

"5. That the Court erred in allowing the information to be amended at the close of the People's Testimony, which was in violation of the Defendant's constitutional rights to be informed of the nature of the charge against him."

At a Session of the Supreme Court of the State of Michigan, Held at the Supreme Court Room, in the Capitol, in the City of Lansing, on the fifth day of March in the year of our Lord one thousand nine hundred and fifty-eight.

Present the Honorable,

John R. Dethmers,
Chief Justice.

Leland W. Carr,
Harry F. Kelly,
Talbot Smith,
George Edwards,
John D. Voelker,
Thomas M. Kavanagh,
Associate Justices.

Recorder's Court No. A88741

47724½

The People of the State of Michigan, plaintiff,

vs.

Kenneth Pete Steckenrider, defendant

In this cause an application is filed by defendant for leave to appeal from an order of the Recorder's Court for the City of Detroit and an answer in opposition thereto having been filed by plaintiff and due consideration thereof having been had by the court, It is ordered that the application be and the same is hereby Denied.

State of Michigan, ss:

I, Donald F. Winters, Clerk of the Supreme Court of the State of Michigan, do hereby certify that the foregoing is a true and correct copy of an order entered in said court in said cause; that I have compared the same with the original, and that it is a true transcript therefrom, and the whole of said original order.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Supreme Court at Lansing, this 7th day of March in the year of our Lord one thousand nine hundred and fifty-eight.

Donald F. Winters,
Clerk.

Excerpts from Defendant's Petition for Reconsideration of the Denial of his Application for Leave to Appeal.

"Now comes Kenneth Pete Steckenrider, by his attorney, William G. Comb, and petitions the Court to reconsider the application heretofore filed in this cause, which application was denied by this Court under date of March 7, 1958, for the following reasons:

That a similar question has not been passed upon by this Court and Petitioner deems it sufficiently important that a determination be made by this Court of the issues raised in the application and particularly the issue relative to the constitutional question relative to the rights of the accused to be informed of the nature of the accusation against him.

This relates to the provision of the Michigan Constitution, Article 2, Section 9, and the Constitution of the United States, Amendment 6.

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The allegations contained in the Information are disjunctively and alternatively charged so as to leave the Defendant uncertain as to the accusation against him.

It has been held in *U. S.* v. *Avils*, D. C. Calif., 1915, 222 F. Supp. 474, that there are two principals by which it may be determined whether the Defendant has been informed of the nature of the accusation, first, that it must be sufficiently certain to enable Defendant to plead jeopardy in a subsequent indictment and second, it must be sufficiently certain as a pleading to enable Defendant to make his defense.

In *Sutton* v. *U. S.*, C. C. A. Ga. 1946, 157 F. 2d. 661, the Court held that under this Amendment (Amendment 6 United States Constitution), the accused must be so fully and clearly informed of the charge against him as to enable him to prepare his defense and not be taken by surprise at the trial, and information as to the alleged offense must be so definite and certain that the accused may be plea of former jeopardy against another prosecution for the same offense."

At a Session of the Supreme Court of the State of Michigan, Held at the Supreme Court Room, in the Capitol, in the City of Lansing, on the sixteenth day of April in the year of our Lord one thousand nine hundred and fifty-eight.

Present the Honorable,

John R. Dethmers,
Chief Justice.
Leland W. Carr,
Harry F. Kelly,
Talbot Smith,
Eugene F. Black,
George Edwards,
John D. Voelker,
Thomas M. Kavanagh,
Associate Justices.

47724½

The People of the State of Michigan, plaintiff,

vs.

Kenneth Pete Steckenrider, defendant

In this cause a motion is filed by defendant for reconsideration of the order heretofore entered herein on March 5, 1958, and an answer thereto having been filed by plaintiff, and due consideration thereof having been had by the Court, it is ordered that the order heretofore entered herein as aforesaid stand affirmed.

State of Michigan, ss:

I, Donald F. Winters, Clerk of the Supreme Court of the State of Michigan, do hereby certify that the foregoing is a true and correct copy of an order entered in said court in said cause; that I have compared the same with the original, and that it is a true transcript therefrom, and the whole of said original order.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Supreme Court at Lansing, this 18th day of April in the year of our Lord one thousand nine hundred and fifty-eight.

DONALD F. WINTERS,
Clerk.

(912-6)